

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3786-05  
Bill No.: Perfected HS for HCS for HBs 1729, 1589 & 1435  
Subject: Crimes and Punishment; Firearms and Fireworks; Law Enforcement Officers and Agencies  
Type: Original  
Date: April 23, 2002

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
General Revenue	(\$80,885)	(\$107,916)	(\$110,841)
Highway	(\$94,968)	(\$46,597)	(\$47,765)
Criminal Records System*	\$381,700	\$484,714	\$479,308
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$205,847</b>	<b>\$330,201</b>	<b>\$320,702</b>

\*Revenues of \$1,900,000; Costs of (\$1,518,300) in FY 03.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
<b>Local Government</b>	<b>(Unknown) to \$6,200,000</b>	<b>(Unknown) to Unknown</b>	<b>(Unknown) to Unknown</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 17 pages.

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **State Auditor's Office, Department of Natural Resources,** and the **Department of Conservation** assume the proposed legislation would have no fiscal impact on their agencies.

In response to a previous version of the proposal (HCS for HBs 1729, 1589 & 1435) officials from the **Department of Public Safety – Missouri State Water Patrol** assumed the proposed legislation would have no fiscal impact on their agency.

Officials from the **Office of Attorney General** assume the costs of the proposed legislation could be absorbed within existing resources.

Officials from the **Office of Secretary of State (SOS)** assume the bill authorizes concealed firearms permits. The Department of Public Safety and General Assembly may promulgate rules to implement this bill. These rules will be published in the Missouri Register and the Code of State Regulations. Based on experience with other divisions, the rules, regulations, and forms issued by the Committee could require as many as 22 pages in the Code of State Regulations. For any given rule, roughly half again as many pages are published in the Missouri Register as in the code because cost statements, fiscal notes, and the like are not repeated in the Code. The estimated cost of a page in the Missouri Register is \$23 and the estimated cost of a page in the Code of State Regulations is \$27. Based on these costs, the estimated cost of the proposal is \$1,353 in FY 03 and unknown in subsequent years. The actual cost could be more or less than the numbers given. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded, or withdrawn.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which would require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials from the **Office of State Courts Administrator (CTS)** assume, from the standpoint of the judiciary, two primary impacts would be: a possible small increase in criminal prosecutions for violations of the law, and any increase in small claims cases. CTS would not anticipate the increased volume of cases to significantly increase the workload of the state courts.

Officials from the **Office of Prosecution Services** assume the costs of the proposed legislation could be absorbed by prosecutors.

L.R. No. 3786-05

Bill No. Perfected HS for HCS for HBs 1729, 1589 & 1435

Page 3 of 17

April 23, 2002

BLG:LR:OD (12/01)

ASSUMPTION (continued)

Officials from the **Office of State Public Defender** assume existing staff could provide representation for those cases arising where indigent persons were charged with fraudulently obtaining a permit to carry a concealable firearm via perjury. However, passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases.

Officials from the **Department of Mental Health (DMH)** assume all fiscal issues impact the county sheriffs. There is no direct authority to act nor responsibilities given to the DMH under this bill. It is assumed that the DMH would not be involved in the actions of Section 571.094 concerning an applicant's prior commitment to a mental health facility, but that such information would come to the sheriff from the local court.

In response to a similar proposal from the current session (HB 1435), officials from the **Boone County Treasurer's Office** assumed the proposal would generate \$50,000 in new revenue, based on the sale of 1,000 gun permits in FY 2001. There would be increased costs to the Treasurer and Sheriff's Offices in the form of extra labor for clerical help to keep the records and take care of funds. Boone County estimates the increased cost to be \$10,000 per year.

In response to a similar proposal from the current session (HB 1435), officials from the **Cole County Treasurer's Office** assumed the revenues would be based on how many concealed weapons permits are applied for. The funds would be under the control of the sheriff. Their cost would be the time spent establishing the checking account. The fiscal impact is minimal.

In response to a previous version of this proposal (HCS for HB 1729, 1589 & 1435), officials from the **Boone County Sheriff's Department** assumed the revenues to their local government would be \$20,000 in FY 2003 (estimate 400 permits @ \$50), \$10,000 in FY 2004 (estimate 200 permits @ \$50), and \$10,000 in FY 2005 (estimate 200 permits @ \$50). The Department assumed they will need 1 FTE at \$25,371.88 per year and 1 computer/printer at \$2,430 to implement the proposal. The estimated cost to their local government is \$27,801.88 in FY 2003, \$26,386.76 in FY 2004, and \$27,442.23 in FY 2005. They anticipate losses in the amounts of \$7,801.88 in FY 2003, \$16,386.76 in FY 2004, and \$17,442.23 in FY 2005, because the revenues from permits will not equal the costs of the FTE and equipment necessary to handle the program.

In response to a similar proposal from the current session (SB 938), officials from the **Greene County Treasurer's Office** assumed they will incur additional costs in the amount of \$10,000 for accounting for investing and check writing.

L.R. No. 3786-05

Bill No. Perfected HS for HCS for HBs 1729, 1589 & 1435

Page 5 of 17

April 23, 2002

BLG:LR:OD (12/01)

ASSUMPTION (continued)

Officials from the **Department of Revenue (DOR)** assume the legislation requires citizens who possess a certificate of qualification to carry concealed weapons to submit the certificate to the Drivers License Bureau in order that the citizen be issued a driver license or nondriver license with the concealed carry endorsement.

The legislation requires a concealed carry endorsement holder to notify the Drivers License Bureau of an address or name change within thirty days of that change. The Drivers License Bureau shall, within three working days, issue the endorsement holder a new driver license or nondriver license with the new residence or name and take hold of the old drivers license or nondriver license.

This legislation will require 420 hours of contracted program modifications to be made to the over-the-counter driver licensing system in order to modify the appearance of the driver license and nondriver license to include the concealed carry permit information such as, county of application and permit expiration date, which is not currently on either the driver license or nondriver license. DOR estimates this cost to be a one-time cost of \$42,000 (420 hours of OTC programming x \$100/hour).

This legislation will also require 704 overtime hours to program modifications to the Missouri Driver License System (MODL) to modify the issuance transaction record, inquiry screens, issuance update programs, MODL extract, and to create a new MODL screen. The DOR estimates this cost to be a one-time cost of \$14,953 (704 hours of MODL overtime programming x \$21.24/hour)

The DOR estimates the cost of the proposed legislation to be \$56,953 in FY 03.

In response to a previous version of this proposal (HCS for HBs 1729, 1589 & 1435), officials from the **Department of Corrections (DOC)** assumed they cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY 01 average of \$35.78 per inmate per day, or an annual cost of \$13,060 per inmate) or through supervision provided by the Board of Probation and Parole (FY 01 average of \$3.34 per offender per day, or an annual cost of \$1,219 per offender).

ASSUMPTION (continued)

The following factors contribute to DOC's minimal assumption:

- ▶ DOC assumes the narrow scope of the crime will not encompass a large number of offenders; and
- ▶ The low felony status of the crime enhances the possibility of plea-bargaining or imposition of a probation sentence.

The DOC does not anticipate the need for capital improvements. It must be noted that the cumulative effect of various new legislation, if passed into law, could result in the need for additional capital improvements funding if the total number of new offenders exceeds current planned capacity.

In summary, supervision by the DOC through probation would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Officials from the **Department of Public Safety – Missouri State Highway Patrol (MHP)** assume, according to the Patrol's Information System Division (ISD), the proposed legislation would require the design, building, implementation, and maintaining of a currently non-existent application to house concealed firearms permit data. The estimates were based upon the types of information that would have to be entered, edited, stored and retrieved. The information would specifically be: name, address, gender, date and place of birth, etc.

The Information System Division would require two (2) Computer Information Tech. Specialists (CITS) I (each at \$41,556 annually). One CITS I would be responsible for designing, developing, modifying, and supporting the MULES/Interface. The other CITS I would be responsible for designing, developing, modifying, and supporting the Concealed Firearms Permits application. The MHP estimates the salaries, fringe benefits, equipment, and expense for the CITS I positions to be \$109,770 in FY 03, \$126,839 in FY 04, and \$130,018 in FY 05.

There would also be additional costs for the State Data Center. ISD assumes there would be 60,000 permits. Based upon empirical experiences, virtually every permit would have at least an entry, an inquiry, and a modification. All of this data was used to estimate the increased costs at the State Data Center for storage, file backups, and the processing of the entries, inquiries, revocations, and modifications. Based on these estimates, the recurring State Data Center costs for the maintenance of the system would be \$31, 200. After the first year, there would be an anticipated 40% increase in permits, which would make the State Data Center charges \$43,200. Finally, the MHP assumes that while there would be an increase in workload for the ISD help

desk, it would likely not require additional FTE at this time. The MHP estimates the State Data ASSUMPTION (continued)

Center Charges to be \$26,000 in FY 03, \$44,496 in FY 04, and \$45,831 in FY 05. The MHP estimates the cost of this portion of the proposed legislation to be \$135,770 in FY 03, \$171,335 in FY 04, and \$175,849 in FY 05.

The MHP's Criminal Records and Identification Division (CRID) assumes the intent of the legislation is for the sheriff to conduct a criminal background check. Previous research estimated 60,000 applications for the first year, which would average out to 250 background checks per day. It takes an average of 12.49 minutes to complete a background check. There would be an expected 40% increase in permits requested the following years. Based on 250 background checks at 12.49 minutes each, the MHP assumes the CRID would require 7 FTE to perform the additional background checks required by the proposal: 3 FTE Fingerprint Technicians (each at \$21,192 per year, plus fringe benefits, equipment and expense) to classify fingerprints, mark cores, search prints through AFIS, verify prints, assign identification numbers, and file prints; 1 AFIS Entry Operator (at \$18,132 per year, plus fringe benefits, equipment and expense) to sort prints, verify information cards, perform name checks, and request rap sheets; 1 Criminal History Technician (at \$21,720 per year, plus fringe benefits, equipment and expense) to review current rap sheets, contact criminal justice agencies for missing data and verification, coordinate Missouri records with FBI records, and verify rap sheets for mailing; 1 Account Clerk (at \$17,568 per year, plus fringe benefits, equipment and expense) to reconcile fee payments with background searches, prepare copies of requests, document payment, complete transmittal and deposit fund sheets, pya invoices from FBI, and receive, reconcile, and deposit fees received from sheriffs; and 1 Criminal History Technician Supervisor (at \$24,460 per year, plus fringe benefits, equipment and expense) to oversee the operation for CCW permits.

Due to an increase in permits following the first year (from 60,000 to 84,000), 2 additional FTE would be required. They would be a Criminal History Technician and a Fingerprint Technician. The MHP included their salaries, equipment and expenses in FY 04 and FY 05.

The MHP CRID receives \$14 for each fingerprint check done at the state level and \$24 for each fingerprint check that is forwarded to the FBI. The \$14 fee for the state fingerprint check is revenue generated and deposited into the Criminal History Record Fund for the purpose of maintenance and enhancement of technology of the division. The \$24 fee collected for the FBI checks is passed through to the FBI, so it is not revenue generated by the CRID. Based on the fees charged for fingerprints, the MHP estimates the net revenues to be \$700,000 in FY 03 and \$1,176,000 in FY 04 and FY 05.

The MHP estimates the total fiscal impact of the fingerprint processing and criminal history checks to be revenue of \$345,938 in FY 03, \$830,943 in FY 04, and \$828,880 in FY 05.

L.R. No. 3786-05

Bill No. Perfected HS for HCS for HBs 1729, 1589 & 1435

Page 9 of 17

April 23, 2002

BLG:LR:OD (12/01)

ASSUMPTION (continued)

The MHP's Communication Division would require one additional FTE as a result of the legislation. This FTE would be a Probationary R&T Technician (at \$30,360 per year, plus fringe benefits, expense and equipment). This FTE would be responsible for presenting additional MULES training at all nine troops. The MHP estimates the fiscal impact for this FTE to be costs of \$38,015 in FY 03, \$46,597 in FY 04, and \$47,765 in FY 05.

The MHP assumes the Training Academy will not be involved in the teaching of the firearm safety courses.

**Oversight** assumes the sheriffs are required to report to the Missouri Uniform Law Enforcement System (MULES) if a concealed handgun permit is issued, suspended, revoked, or changed because of a change of address or a change of name. Oversight assumes the MHP would need one FTE to design, implement and maintain the new permit system as well as the interface of the MULES system.

**Oversight** further assumes, based on information received from the Texas Department of Public Safety, that a large majority of concealed weapons permits will be received in the first year and the number of applications received in subsequent years will decrease. Therefore, the 2 additional FTE in FY 04 and FY 05 are not included in this estimate. Also, the total revenue for fingerprint checks and the pass through expense to the FBI have been estimated based on 60,000 checks per year.

The State of Texas passed concealed firearms legislation which went into effect January 1, 1996. At that time, Texas had an estimated population of 18,000,000. The **Texas Department of Public Safety (Texas DPS)** received approximately 200,000 applications in the first year. Texas DPS received a cumulative total of 260,500 applications for a permit from the law's inception through 2001. A large majority of concealed weapons permits were received in the first year, and the number of applications subsequent to that has decreased. Missouri has a population of approximately 5,600,000; therefore, applying the same ratio, **Oversight** assumed in similar proposals that Missouri would have 62,000 applications in the first year resulting in \$6.2 million (62,000 x \$100 application fee) in revenue for the various Sheriff's revolving funds. After the initial rush, Oversight assumed the number of new applications would drop substantially.

The **Texas Department of Public Safety's** website reports there were 218,661 active licenses as of December 3, 2001. In response to a similar proposal from the 2001 session (HB 853), **Oversight** officials spoke with a Public Information Officer (PIO) from the Texas Department of Public Safety regarding their concealed firearms legislation. The PIO stated that initially there was a glut of applications which resulted in some backlogs. Officials from the Texas DPS expect

that their concealed firearm program will fund itself.

ASSUMPTION (continued)

In response to a similar proposal from the 2001 session (HCS for HBs 853 & 258), officials from the **Cole County Sheriff's Office** estimated an income to Cole County of \$50,000 in the first year (1,000 permits issued). They also estimated that each licence will cost the county \$55 in total to issue, resulting in a per license loss of \$5. The Sheriff's Office also assumed the renewal process will cost their office the same amount per license to issue, but will only generate \$10 per license in revenue, resulting in a \$45 per license loss for renewals.

**Oversight** assumes that local law enforcement agencies could streamline the concealed firearms permitting process by following those procedures used to issue a permit to own a handgun in Missouri. Because the anticipated 62,000 applications in Missouri would be distributed over the entire state, Oversight assumes that most third and fourth class county law enforcement agencies would be able to handle additional duties resulting from this proposal with existing staff. However, with a \$100 permit fee, Oversight assumes the cost of issuance of a permit could exceed the revenue generated by the county sheriffs, and therefore, has shown the net fiscal impact to the county sheriffs for issuance of these permits as possibly unknown net revenues or net losses.

**Oversight** assumes that there would be long-term impact to the local law enforcement agencies as the new concealed firearm permit applications diminished and those permitted individuals renewed their permit every three years. Renewed permit fees would be \$50 and would go to the county treasuries and the City of St. Louis as outlined in this proposal. Ongoing costs to the local law enforcement agencies to process permit applications and renewals would probably exceed revenues generated from new permit applications and renewals.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
<b>GENERAL REVENUE FUND</b>			
<u>Costs – State Highway Patrol</u>			
Personal Service (1 FTE)	(\$35,496)	(\$43,660)	(\$44,752)
Fringe Benefits	(\$15,533)	(\$19,106)	(\$19,584)
Equipment and Expense	(\$3,856)	(\$654)	(\$674)
State Data Center Charges	<u>(\$26,000)</u>	<u>(\$44,496)</u>	<u>(\$45,831)</u>
<u>Total Costs – MHP</u>	<u>(\$80,885)</u>	<u>(\$107,916)</u>	<u>(\$110,841)</u>

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>(\$80,885)</u></b>	<b><u>(\$107,916)</u></b>	<b><u>(\$110,841)</u></b>

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
<b>HIGHWAY FUNDS</b>			
<u>Costs – Department of Revenue</u>			
Personal Service (Overtime)	(\$14,953)	\$0	\$0
Equipment and Expense	<u>(\$42,000)</u>	<u>\$0</u>	<u>\$0</u>
<u>Total Costs – Department of Revenue</u>	<u>(\$56,953)</u>	<u>\$0</u>	<u>\$0</u>
<u>Costs – State Highway Patrol</u>			
Personal Service (1 FTE)	(\$25,933)	(\$31,897)	(\$32,694)
Fringe Benefits	(\$11,348)	(\$13,958)	(\$14,307)
Equipment and Expense	<u>(\$734)</u>	<u>(\$742)</u>	<u>(\$764)</u>
<u>Total Costs – State Highway Patrol</u>	<u>(\$38,015)</u>	<u>(\$46,597)</u>	<u>(\$47,765)</u>
<b>ESTIMATED NET EFFECT ON HIGHWAY FUNDS</b>	<b><u>(\$94,968)</u></b>	<b><u>(\$46,597)</u></b>	<b><u>(\$47,765)</u></b>
<b>CRIMINAL RECORDS SYSTEM FUND</b>			
<u>Revenue – State Highway Patrol</u>			
Fingerprint checks – FBI & State	<u>\$1,900,000</u>	<u>\$1,900,000</u>	<u>\$1,900,000</u>
<u>Costs – State Highway Patrol</u>			
Personal Service (7 FTE)	(\$125,952)	(\$154,921)	(\$158,794)
Fringe Benefits	(\$45,355)	(\$55,787)	(\$57,182)
Equipment and Expense	(\$146,993)	(\$4,578)	(\$4,716)
Pass through to FBI	<u>(\$1,200,000)</u>	<u>(\$1,200,000)</u>	<u>(\$1,200,000)</u>
<u>Total Costs – State Highway Patrol</u>	<u>(\$1,518,300)</u>	<u>(\$1,415,286)</u>	<u>(\$1,420,692)</u>
<b>ESTIMATED NET EFFECT ON CRIMINAL RECORDS SYSTEM FUND</b>	<b><u>\$381,700</u></b>	<b><u>\$484,714</u></b>	<b><u>\$479,308</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
<b>COUNTY SHERIFF'S REVOLVING</b>			
<u>Income</u> - Counties and City of St. Louis			
Permit Fees	\$6,200,000	Unknown	Unknown
<u>Income</u> - Counties and City of St. Louis			
Fine and Citation revenue	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Costs</u> - Counties and City of St. Louis			
Costs of issuance of permits	(Unknown)	(Unknown)	(Unknown)
<b>ESTIMATED NET EFFECT ON COUNTY SHERIFF'S REVOLVING</b>	<b><u>(Unknown) to \$6,200,000</u></b>	<b><u>(Unknown) to Unknown</u></b>	<b><u>(Unknown) to Unknown</u></b>

#### FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

#### DESCRIPTION

The proposed legislation would allow county sheriffs to issue a certificate of qualification for a concealed carry permit to allow individuals to carry concealed weapons on their person or in vehicles. The certificate of qualification would allow the applicant to obtain a driver license or nondriver license with a concealed carry endorsement on the license. Permits would be valid throughout the state for three years.

#### QUALIFICATIONS FOR OBTAINING A CONCEALED CARRY ENDORSEMENT

To qualify for a permit, individuals must be at least 21 years of age, not have pled or been found guilty of a crime that is punishable by a prison sentence of more than one year, not be a fugitive, not have been adjudged mentally incompetent for five years prior to application, not have pled or been found guilty of a misdemeanor crime of violence within for five years preceding application, not have pled or found guilty of two or more misdemeanor offenses involving driving while under the influence or possession or abuse of a controlled substance for five years preceding application, and comply with training requirements. The permit application must include affirmations of the requirements for obtaining a permit, a warning that individuals who make false statements will be prosecuted for perjury, and a statement of compliance with training requirements. The applicant's fingerprints shall be forwarded to the Federal Bureau of

Investigation for a national criminal history record check.

## DESCRIPTION (continued)

### LIMITATIONS ON WHERE CONCEALED WEAPONS MAY BE CARRIED

The proposal would allow governmental units, businesses, and other organizations to limit the ability to carry concealed weapons into areas of public buildings that they lease, own, or control, including courthouses; meeting places of governing bodies or the General Assembly; within 25 feet of polling places on election day; adult or juvenile detention facilities and other correctional institutions; airports; bars; schools; hospitals; stadiums; amusement parks; gambling facilities; and churches. Judges or officers of the court who have permits may carry concealed weapons into courthouses, and members of governing bodies who have permits may carry concealed weapons into meetings of the governing body. Violating prohibitions on carrying concealed weapons in certain locations is grounds for being denied access to or being removed from the premises. Frequent violators are subject to monetary penalties and permit suspensions.

### TRAINING REQUIREMENTS

Applicants for a permit must complete a firearms safety course provided by law enforcement agencies, qualified firearms safety instructors, or the military. The proposal would specify the required curriculum, including classroom work and live firing exercises. Certification and training required for qualified firearms safety instructors are also specified. Instructors must keep their course records available for at least 4 years. Instructors who provide false information about the performance of an applicant in the training program would be guilty of a class C misdemeanor.

### ADMINISTRATIVE PROVISIONS

The bill requires sheriffs to fingerprint the applicant and forward the fingerprints to the FBI for a national criminal history record check if no disqualifying record is found at the state level. The sheriff must also request a criminal background check on the applicant within three days of receipt of the completed application. The bill requires sheriffs to approve or deny the application within three days of receipt of the completed background check. The certificate of qualification must be issued within 45 days after submission of the completed application. If the federal criminal background check has not been received within 45 days, the sheriff may issue a certificate provided that the sheriff revoke any such certificate within 24 hours of receipt of a federal background check that results in a disqualifying record.

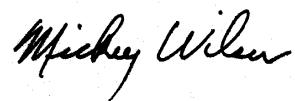
Sheriffs are required to keep records of permit applications and report all certificates of qualification issued to the Missouri Uniform Law Enforcement System. Permit application fees

may not exceed \$100; renewal fees may not exceed \$50. Fees are deposited in the county sheriff's revolving fund. Any unexpended balance would be used to produce and distribute public service announcements promoting the safe storage of firearms in the presence of children.  
ASSUMPTION (continued)

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space. This legislation could affect Total State Revenue.

#### SOURCES OF INFORMATION

Department of Natural Resources  
Department of Public Safety  
    – Missouri State Highway Patrol  
Office of State Courts Administrator  
State Auditor's Office  
Department of Conservation  
Office of Prosecution Services  
Department of Revenue  
Office of Attorney General  
Department of Mental Health  
Department of Corrections  
Office of Secretary of State  
Office of State Public Defender  
Boone County Treasurer  
Cole County Treasurer  
Boone County Sheriff  
Greene County Treasurer  
Cole County Sheriff  
State of Texas Department of Public Safety



L.R. No. 3786-05  
Bill No. Perfected HS for HCS for HBs 1729, 1589 & 1435  
Page 17 of 17  
April 23, 2002

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April 23, 2002